HIGH COURT OF UTTARANCHAL AT NAINITAL.

Writ Petition No. 513(S/S)06:

1. Prakash Chandra S/o Sri Anand Ballabh,
   Asst. Teacher Primary Pathshala,
   Gangapur (Patiya), District U.S. Nagar,
2. Govind Singh S/o Sri Chandra Singh
   Asstt. Teacher Primary Pathshala,
   Foolbagh Centre, District U.S. Nagar,
3. Smt. Laxmi Devi W/o Sri Vinod Melkani,
   Asstt. Teacher Primary Pathshala,
   Dhusara (Sitarganj) District U.S. Nagar,
4. Smt. Nirmala Atwal W/o Sri Khila Nand,
   Asstt. Teacher Primary Pathshala,
   Gaddi Patti (Sitarganj),
   District U.S. Nagar, ---- Petitioner.

Vs.

1. Director of Education (Basic) and President
   U.P. Basic Shiksha Parishad, Allahabad U.P.,
2. State of U.P. through Secretary
   Education (Basic) U.P. Lucknow,
3. State of Uttaranchal through Secretary,
   Education (Basic) Uttaranchal, Dehradun,
4. Director of Education (Basic) Uttaranchal,
   2 Subhash Road, Dehradun,
5. Additional District Education Officer,
   (Basic), Rudrapur, U.S. Nagar. ----Respondents.

Sri S.S. Negi, learned counsel for the petitioners,
Smt. Beena Pandey, Ld. Standing Counsel for State of U.P./respondent no. 1 & 2.
Ld. Standing Counsel for State of Uttaranchal/ respondent no. 3,4 &5.

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.S. Negi, learned counsel for the petitioners, Smt. Beena Pandey, learned Standing Counsel for State of U.P. and learned Standing Counsel for State of Uttaranchal/ respondent nos. 3,4 & 5.

2. The petitioners have filed this petition for a relief to issue a writ of mandamus commanding the respondents to consider the case of the petitioners for promotion on the post of Assistant Teacher in Junior High School

on the basis of their seniority in District U.S. Nagar.

3. Submission of the learned counsel for the petitioners is that the petitioner nos. 1 & 2 were appointed on 19.11.1995 as Assistant Teacher in the Primary School in district Udham Singh Nagar. Similarly, the petitioner nos. 3 & 4 were appointed vide order dated 19.11.1997. However, the respondents vide order dated 19.02.2004 has granted promotions to some of the teachers who were juniors to the petitioners on the post of Assistant Teacher in the Junior High School in district U.S. Nagar.

4. The petitioners have already made representations on 8th February 2006 before the Additional District Education Officer (Basic), Udham Singh Nagar for redressal of their grievances which is still pending with respondent no. 5.

5. In these facts and circumstances, I think it just and proper to direct the respondent no. 5 to take final decision on the representation moved by the petitioners.

6. Accordingly, I direct the Additional District Education Officer (Basic),Rudrapur, Udham Singh Nagar to take final decision on the representation of the petitioners dated 8th February 2006, which is annexed with the writ petition as annexure no. 8 and consider the case of the petitioners for their promotion on the post of Assistant Teachers Junior High School, in case juniors to the petitioners have already been promoted.

7. With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

April 12, 2006:
NCM: